

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

THINK FINANCE, LLC, formerly known
as Think Finance, Inc.,

Defendant.

Case No. 4:17-cv-00127-BMM

**MEMORANDUM IN SUPPORT OF JOINT MOTION TO CONTINUE
PRELIMINARY PRETRIAL CONFERENCE, AND EXTEND RELATED
DEADLINES, BY THIRTY DAYS**

Plaintiff Consumer Financial Protection Bureau (“CFPB”) and Defendant Think Finance, LLC (“Think Finance”), respectfully submit this memorandum in support of their motion to continue the Preliminary Pretrial Conference, scheduled for March 14, 2018, by thirty days (or to such other time as the Court has available) and also to extend all related deadlines by the same amount of time (the “Motion”).

As grounds, the Parties state as follows:

1. The CFPB filed the Complaint on November 15, 2017. Doc. No. 1.
 2. On January 5, 2018, Think Finance moved to transfer venue of this action to the Northern District of Texas (the “Motion to Transfer”). Doc. No. 4.
- On January 9, 2018, the Court granted an unopposed motion to stay all case

deadlines pending resolution of the Motion to Transfer. Doc. No. 7. On February 6, 2018, the Court denied the Motion to Transfer. Doc. No. 17.

3. On February 9, 2018, the Court entered an order ordering the parties to appear for the Preliminary Pretrial Conference on March 14, 2018. Doc. No. 19. That order also set the corresponding related deadlines:

- February 28, 2018 - deadline for the Parties to meet and confer pursuant to Fed. R. Civ. P. 26(f);
- March 7, 2018 - deadline for the Parties to file with the Court both a discovery plan and a preliminary pretrial statement; and
- March 8, 2018 - deadline for the Parties to file with the Court a Statement of Stipulated Facts.

4. The Parties respectfully request a thirty-day continuance of the Preliminary Pretrial Conference, and corresponding extensions to the accompanying pretrial deadlines in the Court's February 9, 2018 order.

5. Good cause exists to grant these requests because the CFPB is currently considering whether it will amend the Complaint. That amendment could include the addition of parties, specifically Think Finance's wholly owned subsidiaries, which are co-debtors in Think Finance's Bankruptcy proceeding, and the addition of corresponding substantive allegations. If the CFPB does amend the Complaint, such an amendment likely will have a material impact on the matters to

be discussed pursuant to Fed. R. Civ. P. 26(f), the filings ordered by the Court in its February 9, 2018 order, and on the Preliminary Pretrial Conference. The Parties therefore believe that a continuance and extensions that allow the Parties to take into account any amended Complaint will further judicial efficiency.

6. Accordingly, the Parties hereby jointly move for a thirty-day continuance of the pretrial conference to April 17, 2018, or such other date as the Court has available. They further jointly move for corresponding extensions of the accompanying dates in the Court's February 9, 2018 Order.

WHEREFORE, the Preliminary Pretrial Conference, scheduled for March 14, 2018, should be continued to April 17, 2018, or such other date as the Court is available, and all related deadlines should be extended by the same amount of time as the Preliminary Pretrial Conference is extended.

Respectfully submitted,

Dated: February 27, 2018

By: /s/ Leo S. Ward (with permission)

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